

ORIGINAL

**UNITED STATES COURT
FOR THE SECOND CIRCUIT**

RADHICA PARSARAM, MALCOLM
CARRINGTON, RAPHAEL CASTRO,
CHERYL STEWART, ROGER
WAGNER, WAYNE DORSET, HAZEL
CLARKE, VERNON , MERVYN DYER,
Plaintiffs

vs.

CHICAGO TITLE INSURANCE
COMPANY, FIDELITY TITLE
INSURANCE COMPANY,
HSBC BANK,USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR THE
HOLDERS OF THE DEUTSCHE ALT-A
SECURITIES, INC., MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2007-0A4, WASHINGTON TITLE
INSURANCE COMPANY;
UNITED GENERAL INSURANCE
COMPANY, STEWART TITLE,
UNITED STATES OF AMERICA
THROUGH THE INTERNAL REVENUE
SERVICE (IRS)

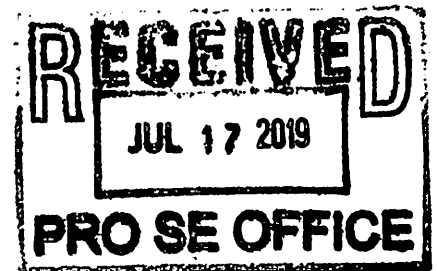
Defendants

Vs.

NYC DEPARTMENT OF BUILDINGS,
OPTION ONE MORTGAGE
CORPORATION,
H&R BLOCK BANK, H & R BLOCK
BANK, FSB,GRP LOAN, LLC,
KONDAUR CAPITAL ORPORATION,
NYC DEPARTMENT OF
TRANSPORTATION, LORING
ESTATES, TRIUMPH ABSTRACT,
LLC., LORING ESTATES HOME
OWNERS ASSOCIATION, FIRST
NORTH AMERICAN ABSTRACT AND
SETTLEMENT CORP.,STOUT STREET
FUNDING LLC., HALIFAX GROUP,

No. 18-CV-02283

**MOTION IN OPPOSITION TO
DEFENDANT STEWART TITLE
INSURANCE COMPANY'S NOTICE
OF MOTION AND REVISED
BRIEFING SCHEDULE.**



MORTGAGE ELECTRONIC
REGISTRATION SYSTEM (MERS), J.P.
MORGAN CHASE N.A., DEUTSCHE
BANK NATIONAL CORPORATION;
SELECT PORTFOLIO SERVICING; U.S.
BANK, N.A.,
LLC., GRIFON-LORING, LLC.,
PARAGON MORTGAGE BANKERS
CORP., PARKVIEW FINANCIAL
CENTER, INC., NORTH SHORE
INVESTORS REALTY GROUP LLC, PI-
NC, LLC, 609 EMERALD STREET LLC,
DELSHAH CAPITAL LLC., PLAZA
REAL ESTATE, PLAZA REAL ESTATE
HOLDINGS INC., EL EQUITIES INC.,

Third-Party Defendants

INDIVIDUALY

GREGORY
HOLLAND, TED DOUMAZIOS,
THOMAS KONTOGIANNIS, ANNETTE
APERGIS, GEORGIA KONTOGIANNIS,
FRANCO VITELLOZZI, CARMINE
CUOMO, LORENZO DELUCA, ALAN
WEINREUB, CHLOE KONTOGIANNIS,
ANTHONY FOCARILE, JOSEPH
JEFFERIES EL, MICHAEL SHAH,
MICHAEL RICARDO TOPPIN, SANEI
ABREU, ARIS FONTIS, CELESTINE
MILLER, WILLIAM HARRIS, GEORGE
PRIOS

Third-Party Defendants

PLEASE TAKE NOTICE that the plaintiffs herein submit this motion in opposition to the request by the Defendant “Stewart Title Insurance Company’s (hereinafter “Stewart”) proposed “briefing Schedule” by its letter dated June 28, 2019, received today July 8, 2019, for the following reasons:

FAILURE BY STEWART TO VERIFY POLICIES

1. As per the plaintiff’s letter dated October 3, 2018 to Stewart, whereby the plaintiffs’ asked for a verification of their Stewart “title insurance policies” for which payment was affirmed and receipt issued as indicated in the HUD-1 for each plaintiff; Stewart failed to provide such verification.

FAILURE BY STEWART TO RESPOND TO INTERROGATORIES

2. As per plaintiffs’ motion requesting interrogatories from Stewart and other defendants herein: Stewart failed to provide a response to such Title interrogatories.

FAILURE TO SERVE PARTIES EXCEPT FOR WAYNE DORSET

3. Furthermore, Stewart failed to adhere to FRCP 4, mandating service to all plaintiffs, but in its stead, lists the plaintiffs as having being served, while it only serves Plaintiff Dorset. For this reason, plaintiffs’ Radhica Parsaram, Roger Wagner, Vernon Wells, Malcolm Carrington, Raphael Castro, Cheryl Stewart, Hazel Clarke and Mervyn Dyer humbly and respectfully request that this court strike Stewart’s reply and grant them the opportunity to enter default judgment for the following reason:

- (i) Stewart has failed to adhere to the response time mandated by law and must be sanctioned

Based on the foregoing the plaintiffs request that this honorable court grant this motion in its entirety.

(ii) At all times relevant, the plaintiffs herein served Stewart and all defendants herein as required by the FRCP, and filed the respective affidavits of service for recording on ECF in a timely manner as mandated by law.

Respectfully requested,

Radhica Parman
July 17th 2019